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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,062	02/15/2002	Karl J. Wood	GB010035	1604

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

REKSTAD, ERICK J

ART UNIT PAPER NUMBER

2621

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/077,062	WOOD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Erick Rekstad	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is a Final Rejection for application no. 10/077,062 in response to the amendment filed on February 7, 2006 where in claims 1-3, 5-7, 9-14, and 16-21.

Please note that the Examiner's Art Unit has changed from 2613 to 2621.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 5-7, 9-14 and 16-21 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 5-7, 9-14, and 16-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

[claims 1 and 13]

The claims require the "controlling two stereoscopic parameters of the image displayed by the display means so that the image displayed on the display means is adjusted based on a distance between eyes of a user". The specification does not disclose such a means. The only mention of distance between eyes is on page 2 lines 7-14, which simply states that the prior art uses an assumed value. The specification

does not describe how to use the two parameters to adjust the display based on a distance between eyes of a user.

[claims 2, 3, 5-7, 9-12, 14, and 16-21]

Are dependent on claims 1 and 13, therefore they are rejected on the same grounds as shown above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-7, 9-14, and 16-21 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,816,158 to Lemelson et al. in view of US Patent 6,760,020 to Uchiyama.

[claims 1, 13, 14, 19 and 20]

As best understood by the examiner, Lemelson teaches an apparatus for producing a stereoscopic image comprising display means (10) for displaying an image and user control means (Fig. 11) for controlling two stereoscopic parameters (shifting and width) of the image displayed by the display means (Fig. 1, Col 7 Line 48-Col 8 Line 17); said user control means being a single control (joystick) (Col 10 Lines 26-40). Note, Lemelson specifically teaches an example of simultaneous control, where in the viewer uses the joystick to move left and back (Col 8 Lines 36-40). Lemelson does not specifically teach the adjusting of the parameters based on a distance between eyes of

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a user. Uchiyama teaches the adjustment of the parameters based on a distance between eyes of a user (base line length) (Figs. 6, 7, and 16, Col 5 Line 55-Col 6 Line 16, Col 11 Lines 4-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the base line as taught by Uchiyama with the three dimensional display of Lemelson in order to present stereoscopic views as taught by Uchiyama (Col 7 Lines 53-55).

As shown in Figures 9 and 10, Lemelson teaches the method for the above apparatus. Lemelson teaches the system is autostereoscopic as required by claim 14 (Col 3 Lines 50-51).

Lemelson further teaches the user control means is configured to adjust the image based on a user distance from the display means as required by claims 19 and 20 (Col 7 Line 48-Col 8 Line 17, Figs. 5 and 6).

[claims 2 and 3]

As shown in Figure 1, Lemelson further teaches a deflections means (12) overlying said display means (10). The deflection means is a lenticular screen (Col 2 Line 61-Col 3 Line 7).

[claim 5]

As shown in Figure 11, Lemelson teaches the use of a joystick (146) for use as the control means, which is functionally equivalent to a knob (Col 4 Lines 21-24 and Col 10 Lines 20-40).

[claim 6]

Lemelson teaches the remote control as shown in Figures 11 and 12. Lemelson does not teach the use of a graphical icon. Uchiyama teaches the use of graphical icons to provide a user a visual of the control means (Col 11 Lines 15-29, Fig. 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a graphical icon for the user control in order to provide a visual of the parameters changed as taught by Uchiyama.

[claim 7]

Lemelson further teaches a remote device (8 of Fig. 1) communicating with said user control means (Fig. 11) (Col 8 Lines 18-54 and Col 10 Lines 20-40).

[claims 9 and 16]

As shown above for claim 1, Lemelson teaches the adjustment of the image's width to adapt to different distances of the viewer (Col 8 Lines 5-16). Note, the adjustment of the width is a change of the depth of the image in order to provide a proper view for an observer.

[claims 10 and 17]

As shown above for claim 1, Lemelson teaches the shifting of the image (Col 7 Lines 48-65). This shifting is a change of the perceived position of the image relative to the display means.

[claim 11]

As shown in Figure 11, the control allows for a forward and backwards movement (depth). The movement is further controlled by a LUT (Col 9 Lines 30-31 and Lines 62-63). Lemelson further teaches the limit of the width based on the

lenticular screen (Col 8 Lines 12-17). Note, the use of the LUT provides a minimum and maximum value for the depth.

[claim 12]

Lemelson teaches the use of a display device (10, Fig. 1). Lemelson further teaches the prior art of using an LCD (Col 1 Lines 62-67). Lemelson does not specifically teach what type of display the display device is. It would have been obvious to one of ordinary skill in the art at the time of the invention to use an LCD as the display device as an LCD is a well known display device in the art as taught by Lemelson.

[claim 18]

Lemelson teaches the use of the method by a graphics processor (8 of Figure 1) (Col 3 Line 64-Col 4 Line 12). Lemelson does not specifically teach the use of a computer program. It would have been obvious to one of ordinary skill in the art at the time of the invention that the processor would require a program to run the method (Official Notice).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,005,607 to Uomori et al.

US Patent 5,777,720 to Shapiro et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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